ASSEMBLY, No. 582

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN DIMAIO
District 23 (Hunterdon, Somerset and Warren)
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District 24 (Morris, Sussex and Warren)
Assemblyman HAROLD "HAL" J. WIRTHS
District 24 (Morris, Sussex and Warren)

SYNOPSIS

Prohibits DEP from imposing conditions on projects exempt from "Highlands Water Protection and Planning Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



AN ACT concerning exempt projects, developments, and activities in the Highlands Region, and supplementing P.L.2004, c.120 (C.13:20-1 et al.).

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BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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1. For any project, application for development, or activity that qualifies for an exemption pursuant to any of the provisions of section 30 of P.L.2004, c.120 (C.13:20-28), the Department of Environmental Protection shall not require a deed restriction or impose any additional conditions or requirements upon the property, applicant, property owner, or person whose project, development, or activity qualifies for the exemption, as a condition of the department issuing a Highlands applicability and consistency determination or otherwise acknowledging entitlement to a statutory exemption.

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2. This act shall take effect immediately and shall be retroactive to August 10, 2004.

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STATEMENT

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This bill would prohibit the Department of Environmental Protection from requiring a deed restriction or from imposing any other conditions or requirements upon a property, applicant, property owner, or person whose project, development, or activity qualifies for an exemption from the provisions of the "Highlands Water Protection and Planning Act," as a condition of the department issuing a Highlands applicability and consistency determination or otherwise acknowledging entitlement to a statutory exemption.

Current DEP regulations and procedures require in certain circumstances that persons apply for a determination of the applicability of the Highlands law and rules to their project, development, or activity. Even when the department has determined a project, development, or activity to be exempt from the act pursuant to the statute, it has required a deed restriction and has made its determination of exemption conditional on submission of a deed restriction to the department. This bill would prohibit the department from imposing such conditions on projects, developments, or activities statutorily exempt from the act. This bill would be retroactive to the effective date of the "Highlands

Water Protection and Planning Act."